

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, December 2, 1975, at 10:30 A.M.

Present:

John H. Leonard, Supervisor
Robert G. Leonard, Town Justice
Gregory R. Manning, Town Justice
George G. Young, Councilman
Francis E. Menendez, Councilman

Also present: Allen M. Smith, Town Attorney
Absent: Alex E. Horton, Supt. of Highways

EXECUTIVE SESSION - November 28, 1975

10:15 A.M. - Jeff Brown, Rep. Bates Electric re New Electronic Device installed on trial basis to reduce electric bill anywhere from 10% to 30% a month

10:30 A.M. - Mrs. Betty Henninger re Assembly of God Church

10:45 A.M. - Rev. Richard Adinolfi re State Division of Youth Funds

Supervisor Leonard called the Meeting to Order at 10:30 A.M. and the Pledge of Allegiance was recited.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the Minutes of the Budget Adoption, of the Town of Riverhead, held November 14, 1975, be approved as submitted.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the Minutes of the Meeting of the Town Board of the Town of Riverhead, held November 18, 1975, be approved as submitted.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following bills, submitted on Abstract, dated December 2, 1975:

General Town	\$ 21,178.71
Highway Item #1	\$ 453.17
Highway Item #3	\$ 17,335.02
Highway Item #4	\$ 2,405.00

BOARD OF AUDIT - continued:

Drug Abuse Program	\$ 206.65
Special Districts	\$ 480.47
Senior Nutrition Program	\$ 1,100.82
Town Hall Capital Project	\$57,891.50

Councilman Menendez offered the following resolution which was seconded by Town Justice Leonard.

BE IT RESOLVED, That the following bills be and are hereby approved for payment:

General Town	\$21,178.71
Highway Item #1	\$ 453.17
Highway Item #3	\$17,335.02
Highway Item #4	\$ 2,405.00
Drug Abuse Program	\$ 206.65
Special Districts	\$ 480.47
Senior Nutrition Program	\$ 1,100.82
Town Hall Capital Project	\$57,891.50

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Building Department, month of November, 1975. Filed.

Police Department, month of November, 1975, Filed.

COMMUNICATIONS

Alberta S. Young, 91 Sound Avenue, Riverhead, dated 11/17/75, stating that due to three deaths and numerous hospitalizations in the past twelve years caused by vehicular accidents in the area between West Lane and 91 Sound Avenue, she is requesting a survey for the installation of street lights in that vicinity. Filed.

Copies to Town Board and Town Attorney.

Town of Riverhead Planning Board, dated 11/18/75, submitting its recommendation and report on the Petition of Stanley Mendelson for Amendment to Zoning Ordinance for extension of Business B Use District for his land located on Sound Avenue, Wading River. Resolution of Planning Board recommends the Town Board deny the petition and lists four (4) reasons for the denial. Filed.

Copies to Town Board, Town Attorney, Board of Appeals, Building and Zoning Inspectors.

Town of Riverhead Planning Board, dated 11/18/75, submitting its recommendation and report on the Petition of Assembly of God for Amendment to Zoning Ordinance and Special Permit for land located on Dogwood Drive, Wading River, asking due consideration be given to include churches in Section 207A of the Ordinance.

COMMUNICATIONS - continued:

Resolution of Planning Board recommends the denying of the petition to allow churches in Business C Use Districts as this would not only apply to the area of this petition, but to all Business C Use Districts within the Town and might well thereafter be requested to have churches permitted in all Business Use Districts within the Town. Also advising that an application be made to rezone the remaining parcel of land for Residential B purposes and that if such application were made, the Planning Board would recommend its approval to the Town Board. This suggestion was made for the reason that a part of this parcel of land lies within the Residence B Use District.

Copies to Town Board, Town Attorney, Board of Appeals, Filed. Building and Zoning Inspectors.

William E. de Bruin, Jr., dated 11/12/75, expressing thanks to Supervisor for courtesy shown to him and his clients, Mr. and Mrs. Vincent Bernardo on their visit to his office on November 5th. Stating that after the meeting with the Supervisor, he (Mr. de Bruin) viewed the premises of his clients on North River Road and learned that the road runs between Wading River-Manorville Road to the west and River Road to the east, that it is obviously a well travelled road, a number of persons work at the bow and arrow factory at the south side of the road and it appears that the oil and stone process has been going on for some time.

He further states that he understands that Mr. Leonard has no intention of initiating a proceeding under Highway Law, Section 205 (2), nor is there any contemplated action at the moment with regard to North River Road.

He concludes by saying that he has come across Section 189 of the Highway Law and in view of this Section, they respectfully request that the Town consider making North River Road a part of its highway system, if it is not already included. Filed.

Copies to Town Board, Town Attorney, Supt. of Highways and Police Chief Grodski.

Vincent Rocco, 20th Street, Wading River, dated 11/9/75, requesting installation of a street light on one of the existing poles in front of his home. Filed.

Copies to Town Board and Town Attorney.

Department of Environmental Conservation, State of New York, dated 11/10/75, submitting Public Notice on the Application of New York Telephone Company (L.I. Well Application No. W-3044) Notice stating that a public hearing will be held in the office of the Department, Building 40, S.U.N.Y. Campus, Stony Brook, New York, on the 19th day of December, 1975 at 10:00 A.M. The petitioner proposes to install temporary well point systems to lower the groundwater levels at one location in Nassau County and ten locations in Suffolk County.

COMMUNICATIONS - continued:

The dewatering is necessary in order to facilitate the installation of underground conduits, manholes and other related appurtenances. Anyone having objections to the execution of said plans or wish to be heard either in favor of or opposed, must file a notice of such desire in writing and in duplicate in the office of the Dept., on or before the 11th day of December, 1975. In the event that no notice of appearance in opposition to the proposed project is filed within the time specified, the Department is authorized by statute to dispense with the Public Hearing and to proceed to consider and examine the petition, maps, plans, etc. Filed.

Copies to Town Board and Town Attorney.

Police Chief Stephen Grodski, dated 11/24/75, relating to bids for repair, maintenance and installation of Radio Equipment, stating that all radio equipment in the Riverhead Town Police Department, Community Ambulances and the Supervisor's car exceeds \$20,000 and all such equipment is manufactured or supplied by MOTOROLA, INC. Further stating that the specifications for bids specified that a written proof from MOTOROLA, INC., be shown, stating that the bidder is qualified to repair, maintain and install such named equipment.

Further stating that a check of the two bids submitted indicates such proof from MOTOROLA, INC., attached to the Eastern Long Island Electronics and All Communications submitted a certificate from the bidder's office and not from MOTOROLA, INC.

Further stating that he is making reference to this important specification to protect the \$20,000 plus investment in radio equipment. Filed.

Dept. of Environmental Conservation, State of New York, dated 11/24/75, relating to the Petition of A. Laurence Galasso to amend Permit No. TW-15258-0082, stating a public hearing will be held in the Suffolk County Meeting Room, County Center, Riverhead, on the 29th day of December, 1975 at 2:00 P.M. for the purpose of hearing all persons on the execution of plans of A. Laurence Galasso, Meetinghouse Creek Road, Aquebogue, on the project site located on the east side of Meetinghouse Creek, west of Meetinghouse Creek Road at Aquebogue. The petitioner wishes to include an additional 150+ linear feet of bulkhead and travel-lift boat slip at the north end. Also approximately 200 cubic yards of material will be dredged from the marina in front of the bulkhead and used as backfill. The applicant claims a financial hardship will result if this permit is denied. All persons who object or are in favor of such plans, must file a notice of appearance of such desire in writing and in duplicate with the Tidal Wetlands Permit Administrator at Stony Brook, New York, on or before the 22nd day of December, 1975. Filed.

Copies to Town Board and Town Attorney.

N.Y. State Dept. of Audit and Control, dated 11/26/75, stating as follows:

"Dear Miss Block: Thank you for your letter of November 24, transmitting a resolution adopted by the Town Board on November 18 urging me not to invest funds of the State retirement systems in obligations of New York City or the Municipal Assistance Corporation (MAC)."

COMMUNICATIONS - continued:

"The resolution is in error in reciting that I am recommending such investments. The fact is that, after an investment of \$25 million in MAC bonds last August, I have resisted, successfully resisted, efforts to compel or persuade me to make further such investments from the two systems for which I am trustee. Parenthetically, the same is true of the separate Board which invests for the State Teachers' Retirement System.

The Town Board's misconception may arise from the fact that the State itself, pursuant to an Act of the Legislature, has taken certain obligations of MAC and the City in connection with State advances.

I would appreciate your calling this letter to the attention of the Town Board. Despite the apparent misunderstanding reflected in the resolution, I appreciate receiving the expression of the Board's views." (Signed: Arthur Levitt, Comptroller) Filed.

Copies to Town Board and Town Attorney.

Department of Audit and Control, dated 11/26/75, acknowledging receipt of the Order of the Town Board of the Town of Riverhead, dated June 3, 1975, relating to the Extension of Riverhead Fire District. Further stating that this Order was filed on June 5, 1975. Filed.

Copies to Town Board and Town Attorney.

RECEIVER OF TAXES

Receiver of Taxes, Irene J. Pendzick stated that all the tax bills were out and complaints were already being received.

UNFINISHED BUSINESS

a) Award Bid for Repair, Maintenance & Installation of Radios for use of Riverhead Police Department: Police Chief Grodski reported that when he was making up the specs, he was under the impression that costs exceeding \$2,500 or more would require bids.

He then stated that since then, he has learned that it's \$3,500 plus and not \$2,500.

He further stated that with the discrepancy on the bids and the distances to travel, he highly recommended that the bids be rejected and returned to service.

b) Codification: Progress.

c) Jesse Goodale's Drainage Problem on King's Drive (Project for 1976): Councilman Young stated that he had spoken to Mr. Horton that morning and he was going to take care of this problem, this year, with a few loads of topsoil.

He further stated that Mr. Horton was also taking care of Pasquale's drainage problem.

d) Request for permission to use lot on corner of Route 25 and So. Jamesport Avenue, Jamesport, for parking field: Supervisor Leonard stated that they had received no report, as yet.

PERSONAL APPEARANCES

Supervisor Leonard asked if anyone wished to be heard and the following responded:

Paul Meyer complained about the hunting situation in the Town of Riverhead regarding the discharging of guns within 500 feet of homes.

He then spoke of the promptness of the Riverhead Police Department in responding to his complaints on same.

Discussion re possible enactment of hunting laws followed.

Mr. Meyer then asked if people were allowed to walk down the streets carrying rifles.

Judge Leonard asked if the guns were "broken".

Mr. Meyer stated that they were "broken".

Judge Leonard commented that if the guns were "broken", they had to be shotguns, which are legal to carry.

Mr. Meyer then directed himself to the Town Attorney and asked him the status of the "Raspberry Hilton".

Town Attorney, Allen M. Smith reported that both Mr. Wiwczar and Donald Denis have been in there, but didn't know whether the Board had received a report or not on their findings.

It was then decided that no further public statement would be made at that time as to the disposition of the building.

Town Attorney then spoke on the upcoming resolution Calling Public Hearing with reference to a Change of Zone for the Assembly of God Church.

He then stated that he has explained to the Board, some of the law concerning that matter and he felt that the Board had expressed a predilection towards granting the necessary amendments of zone.

He further stated that due to the impending holidays and current exposure to vandalism, the church would like to hold their activities in the building pending the hearing outcome.

He concluded by asking that the Board's approval or disapproval of said request be on record.

The Board had no objections to the church using the building for their activities, pending the hearing outcome.

Roy Hooper complained strenuously about taxes and the high cost of keeping up property nowadays.

Supervisor Leonard asked Mr. Hooper if he would like to come in some morning and check the Town's finances and see just how much the Town is in debt.

Mr. Hooper stated that he would like to bring that up.

He then stated that nobody in the Board Room would be living when the Town's current debts were paid.

PERSONAL APPEARANCES - continued:

Eva Nicosia asked about the status of the sign ordinance.

Councilman Menendez stated that they have looked into that sign ordinance until their eyes were crossed and right now everything was in limbo.

He then stated that he hoped he would live long enough to see a sign ordinance in this Town and was looking forward to some progress after January 1st.

RESOLUTIONS

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

RESOLVED, That the Supervisor be and is hereby authorized to issue a check in the amount of \$200.00 to Irene J. Pendzick, Tax Receiver, from the Petty Cash Fund Account established for Petty Cash Fund purposes for the office of the Receiver of Taxes, pursuant to Section 64-1A of the Town Law.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

BE IT RESOLVED, That the Bids received on the Heating System Conversion in the Jamesport School, which were opened on November 17th, 1975, be and the same are hereby rejected, and

BE IT FURTHER RESOLVED, That the Town Clerk be and she is hereby authorized to readvertise for bids and open same.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

BE IT RESOLVED, That a Public Hearing will be held on the 16th day of December, 1975, at 8:00 P.M. before the Town Board of the Town of Riverhead, 220 Roanoke Avenue, Riverhead, New York, upon the application of JOHN WITTMEIER, WANDA WITTMEIER, and OLD STEEPLE COMMUNITY CHURCH for a Special Permit to erect one single family residence in a Business C Use District pursuant to Section 207A (2c) of Ordinance #26 of the Town of Riverhead.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

WHEREAS, It is the intention of the Town Board of the Town of Riverhead to renew a Recreation Project, and

WHEREAS, The Town of Riverhead is about to submit an application for such renewal to the New York State Division For Youth for its approval, and if approved, to apply subsequently to the State of New York for partial reimbursement of funds expended on said project, as provided by Chapter 556 of the Laws of 1945, as amended,

NOW, THEREFORE, BE IT RESOLVED, That such application renewal is in all respects approved, and John H. Leonard, Supervisor, is hereby directed and authorized to duly execute and to present said application renewal to the New York State Division For Youth for its approval.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard asked the Town Attorney for an opinion on this matter.

Town Attorney stated that this is one of those tricky situations where being Supervisor Elect and Town Attorney at the same time is a little difficult.

He then stated that this project is in conjunction with work that Rev. Adinolfi has done.

He concluded by saying that a conference has been scheduled for Friday morning with the man from the State who handles these grants and he will report back to the Board after this conference, but feels it is safe for the Board to go ahead and pass this one particular resolution.

Lengthy discussion followed, after which Supervisor Leonard Abstained from voting.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

BE IT RESOLVED, That the Town Board of the Town of Riverhead, on the 16th day of December, 1975 at 8:30 P.M., will hold a public hearing on a proposition to appropriate \$20,000.00 to defray the expenses of the preparation and celebration of the bicentennial celebration of the United States of America.

BE IT FURTHER RESOLVED, That the Town Clerk is hereby instructed and authorized to post and publish notice thereof as follows:

PUBLIC NOTICE

PLEASE TAKE NOTICE, That a public hearing will be held by the Town Board of the Town of Riverhead on the 16th day of December, 1975 at 8:30 P.M., at the Town Hall, Town of Riverhead, 220 Roanoke Avenue, Riverhead, New York, to hear all persons wishing to be heard on a proposition to appropriate \$20,000.00 to defray the expenses of the preparation and celebration of the bicentennial celebration of the United States of America.

RESOLUTIONS - continued:

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez stated that since the resolution was only calling a public hearing, he would vote for it.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the employment of Edward Howell, Temporary Laborer in the Highway Department, be and is hereby terminated, effective November 21, 1975.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That Highway bill submitted on abstract dated December 2, 1975, as follows:

Machinery Item #3: J.C. Truck Equipment, Inc., bill dated November 20, 1975 in the amount of \$557.20; be and the same is hereby approved for payment.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

BE IT RESOLVED, That a Public Hearing will be held on the 16th day of December, 1975 at 8:45 P.M., at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, pursuant to Article V of said Ordinance and in accordance with the New York Town Law Section 265, upon the application of Assemblies of God, for an amendment to Zoning Ordinance No. 26 of the Town of Riverhead, New York, and

FURTHER RESOLVED, That the Town Clerk be and is hereby authorized to publish and post notice thereof as follows:

PUBLIC NOTICE

WHEREAS, The Assemblies of God, a religious corporation, with offices at 677 Onondago Street, Syracuse, New York, has petitioned the Town Board of the Town of Riverhead for an amendment to Zoning Ordinance No. 26 of the Town of Riverhead, New York, to consider the fact that part of the parcel of land lies in and within the Residence B Use District and that the application is made to rezone the remaining parcel of land for Residential B purposes. Description of property is as follows:

RESOLUTIONS - continued:

ALL that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being at Wading River, in the Town of Riverhead, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly line of Dogwood Drive, where said easterly line of Dogwood Drive intersects the southerly line of the Long Island Lighting Company; running thence North 69 degrees 26 minutes 40 seconds East along land of said Long Island Lighting Company a distance of 129.02 feet to a point, running thence South 3 degrees 35 minutes 40 seconds West along other land of Emily M. Bruin and William L. Miller a distance of 200.53 feet to a point on the northerly line of Front Street; running thence North 75 degrees 14 minutes 00 seconds West along the northerly line of said Front Street 99.45 feet to a point of curve, running thence in a Northwesterly direction by a curved line curving to the right and having a radius of 25.00 feet a distance of 34.40 feet to a point on the easterly line of said Dogwood Drive and the terminus of the curve; thence North 3 degrees 35 minutes 40 seconds East along the easterly line of said Dogwood Drive a distance of 103.94 feet to the point of place of beginning.

NOW, THEREFORE, BE IT RESOLVED, That pursuant to Article V of said Ordinance and in accordance with the New York Town Law, Section 265, a Public Hearing on the aforesaid proposed application to amend the Zoning Ordinance No. 26 of the Town of Riverhead, New York, will be held on December 16th, 1975 at 8:45 P.M., at the Town Hall, Riverhead, New York.

ANY PERSON DESIRING TO BE HEARD ON THE ABOVE APPLICATION SHOULD APPEAR AT THE TIME AND PLACE SPECIFIED.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the bids of Eastern L.I. Electronics, Inc., East Quogue, N.Y. and All Communications, Inc., Huntington, N.Y., for Radio Repair, Maintenance and Installation of Mobile, Base Radios and Electronic Sirens, for use by various departments and offices within the Riverhead Town Government, which were opened on November 17th, 1975, be and the same are hereby rejected.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids on Liquid Asphalt requirements for use of the Town of Riverhead Highway Department for the year 1976, and be it

RESOLVED, That specifications and forms for bidding be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A.M. on Monday, December 15, 1975, and be it further

RESOLVED, That the Town Clerk be and is hereby designated to open publicly and read aloud on Monday, December 15, 1975 at 11:00 A.M., at the Town Clerk's Office, Town Hall, 220 Roanoke Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Liquid Asphalt".

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That the Town Clerk be and is hereby designated to advertise for sealed bids on Grit Requirements for use of the Town of Riverhead Highway Department for the year 1976, and be it

RESOLVED, That specifications be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A.M. on Monday, December 15, 1975, and be it further

RESOLVED, That the Town Clerk be and is hereby designated to open publicly and read aloud on Monday, December 15, 1975 at 11:00 A.M., at the Town Clerk's Office, Town Hall, 220 Roanoke Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Grit".

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for sealed bids on Ready-Mix Concrete for use of the Town of Riverhead Highway Department for the year 1976, and be it

RESOLVED, That specifications and forms for bidding be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A.M. on Monday, December 15, 1975, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Monday, December 15, 1975, at 11:00 A.M., at the Town Clerk's Office, Town Hall, 220 Roanoke Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Ready-Mix".

RESOLUTIONS - continued:

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

PUBLIC NOTICE

PLEASE TAKE NOTICE, That on the 16th day of December, 1975, at 9:00 o'clock P.M., a public hearing will be held before the Town Board of the Town of Riverhead, at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, to hear all interested persons in connection with a proposed Taxicab Ordinance for the Town of Riverhead, in the following respects:

ORDINANCE NO. 45TOWN OF RIVERHEADSECTION 39-1 - TITLE

This ordinance shall be known and may be cited as Taxicab Ordinance of the Town of Riverhead.

SECTION 39-2 - DEFINITIONS

The following definitions shall govern the interpretation of this ordinance unless otherwise expressly defined herein.

TOWN - Includes all areas within the Town of Riverhead.

PERSON - Includes natural person, corporations, co-partnerships, unincorporated associations or any other organizations of two (2) or more persons.

LICENSE - Means due authorization in writing as provided herein which permits a person to operate a business for the transporting of persons for hire, using therefore only vehicles actually owned by him.

PERMIT - Means due authorization in writing as provided herein which permits a natural person to operate a motor vehicle for hire.

SECTION 39-3 - LICENSES AND PERMITS

A. No person shall engage in or carry on the business of transporting persons for hire by motor vehicle from point to point within the Town unless a license therefore shall have been duly issued or reissued by the Town Board as hereinafter provided.

RESOLUTIONS - continued:

B. No person shall drive or operate a motor vehicle in the business or transporting persons for hire within the Town unless a permit therefore shall have been duly issued or reissued by the Town Board as hereinafter provided.

SECTION 39-4 APPLICATIONS

A. To procure a license mentioned in Section 39-3, A, or any renewal thereof, a verified application shall be made to the Town Board setting forth the following information:

- (1) The name and address of the applicant and of the officers and directors, if any.
- (2) Applicant's places of residence and/or places of business for the past five (5) years.
- (3) Applicant's business for the past five (5) years.
- (4) The place of business now maintained or to be maintained by the applicant within the Town of Riverhead and the telephone number now maintained or to be maintained by the applicant, if the application is granted for the conduct of his taxi business.
- (5) The make, type, seating capacity, and registration number of each vehicle to be employed in the business, together with the full name and address of the owners of said vehicle.
- (6) Such other information as may be required by the Town Board to assist the Town Board in determining the applicant's fitness for carrying on such trade.

B. To procure a permit required by Section 39-3, B, or a renewal thereof, a verified application shall be made to the Town Board, which application shall set forth the following information:

- (1) Name and address of applicant.
- (2) Applicant's place of residence for past five (5) years.
- (3) Applicant's business for past five (5) years.
- (4) Applicant's age, color, height, weight, color of eyes, color of hair, place of birth.
- (5) Whether or not he has ever been convicted of a felony or a misdemeanor, and if so, in what Court, when, where and upon what charge, and the sentence of the Court.

RESOLUTIONS - continued:

- (6) Whether or not he has ever been found guilty of a traffic violation or infraction, and if so, in what Court, when and where.
- (7) Whether applicant has been previously licensed in such occupation, and if so, when, where and for what period. If such license has ever been revoked, the date of revocation, and the reason therefore.
- (8) Applicant's chauffeur's license number issued by the New York State Motor Vehicle Bureau.
- (9) Whether or not applicant is of sound health, suffers from vertigo, epilepsy, heart trouble or any other infirmity of body or mind which might render him unfit to drive or operate a motor vehicle in such occupation.
- (10) Whether applicant can read and write English.
- (11) Whether applicant is addicted to alcohol or drugs.
- (12) Applications shall be accompanied by two (2) photographs taken within thirty (30) days of the date of the application, of the size usually attached to chauffeur's licenses, together with a complete set of the applicant's fingerprints taken by the local police authorities.
- (13) Such other information as may be required by the Town Board to assist the Town Board in determining the applicant's fitness for carrying on such trade.

SECTION 39-5 - ISSUANCE OF PERMITS AND LICENSES

A. The Town Board shall ascertain whether the application is in due form and responsive, and shall approve or disapprove any application accordingly. Prior to the Town Board's approving an application, they shall forward the same to the Chief of Police of the Town of Riverhead, who shall thereupon make an investigation concerning the fitness of an applicant for either a license or permit, and, the Chief of Police shall endorse the application with his recommendation and forward the same to the Town Board. The Town Board may then grant or reject any application for a license or permit, and if the decision of the Town Board is favorable, the Town Board shall issue such license or permit on a form to be established by the Town Board for licenses and permits.

B. A license or permit may be refused if the applicant shall have been convicted of a misdemeanor or felony, which in the judgment of the Town Board renders the applicant unfit or undesirable to carry on the aforesaid occupation. The Town Board may also refuse a license to any person who in his judgment shall be an undesirable person or incapable of properly conducting the aforesaid business.

RESOLUTIONS - continued:

C. A license or permit issued as provided herein shall not be transferable.

SECTION 39-6 - DUTIES

A. Operator's duties: Every person who operates a motor vehicle to be licensed hereunder:

- (1) Shall transport orderly persons upon request, unless then under hire or prohibited from doing so by other provisions of this ordinance.
- (2) Shall search the interior of the motor vehicle after the discharge of each passenger, and any lost or mislaid property found therein shall be turned over immediately to the local police authorities.
- (3) Shall report to the Town Board within forty-eight (48) hours any change of his residence.
- (4) Shall keep his interior and exterior of his motor vehicle clean at all times.
- (5) Shall display his permit, motor vehicle certificate, badge and rate card conspicuously at all times as required herein.
- (6) Shall not operate any motor vehicle required to be licensed herein while his chauffeur's license, permit, or the license is suspended or revoked.
- (7) Shall not allow any other person to use his permit or badge.
- (8) Shall not charge more than the fixed rates hereunder or as amended.
- (9) Shall report to the Town Board within twenty-four (24) hours the loss or theft of any certificate, license, permit or badge.
- (10) Shall not transport persons without the payment of a fare except such person be the owner thereof, his agent or employee.

B. Owner's duties: Every person who owns a motor vehicle required to be licensed hereunder:

(1) Shall be subject to all the duties of Section 39-6, A, hereof which apply to operators.

(2) Shall inspect the motor vehicle and its equipment at least once during each week.

RESOLUTIONS - continued:

(3) Shall within two (2) weeks make all repairs, alterations or additions as may be required by this ordinance.

(4) Shall not permit an unauthorized person to operate a motor vehicle for the transportation of persons for hire.

(5) Shall be equally responsible with the operator for any violations of this ordinance.

SECTION 39-7 - TERMS OF LICENSES AND PERMITS

A. All licenses and permits issued hereunder shall expire at midnight on the 31st day of December next following the date of issuance. Renewal of licenses and permits shall be from 1 January to midnight on December 31, next.

B. Applications for the renewal of all licenses and permits shall be made no earlier than thirty (30) days prior to the expiration dates thereof. An application for a renewal of any license or permit, made after the expiration date thereof shall be considered a new application and not a renewal.

SECTION 39-8 - FEES

A. The following fees shall be collected by the Town Clerk at the time applications are presented:

(1) For the issuance of licenses - five (\$5.00) dollars.

(2) For the issuance of a renewal license - five (\$5.00) dollars.

(3) For the issuance of a permit - two (\$2.50) dollars and fifty cents.

(4) For the issuance of a renewal permit - two (\$2.50) dollars and fifty cents.

SECTION 39-9 REVOCATION OF LICENSES AND PERMITS

A. The Town Board may revoke any license or permit issued under the authority of the ordinance if the said Board determines the license or permit holder to be incapable of properly conducting the trade so licensed. Failure to comply with the provisions of this ordinance shall be sufficient cause for the revocation of such licenses and permits.

B. A person whose license or permit has been revoked hereunder may not reapply for the issuance of a new license for a period of at least six (6) months from the date of revocation thereof.

RESOLUTIONS - continued:SECTION 39-10 FARES

A. The Town Board may, by resolution or by amendment hereto and from time to time, set establish, change, amend, or otherwise prescribe the rates which may be charged hereunder by the owners or operators of all motor vehicles operated in the business of transporting persons for hire.

B. The Town Board may, by resolution, prescribe all rates.

C. The Town Board may, by resolution, prescribe methods for computing rates, rate zones or other means for determining all rates as contemplated herein.

D. The Town Board may, by resolution, require the posting within vehicles of rate cards, maps, diagrams or other information designed to advise passengers of the proper fares or rates.

SECTION 39-11 - PARKING

The Town Board may authorize the Superintendent of Highways to set off a taxi stand in front of the principal place of business of a license holder, reserving unto said license holder parking space for one (1) vehicle used in his taxi business.

SECTION 39-12 - PENALTIES FOR VIOLATIONS

A. Any person, firm, association or corporation violating any of the provisions of any ordinances of the Town of Riverhead shall be guilty of an offense punishable by fine or imprisonment, or both: however, for the purpose of confirming jurisdiction upon Courts and Judicial Officers, such violations shall be deemed to be a misdemeanor and for such purposes only all provisions of law relating to misdemeanors shall apply to such violations. Notwithstanding the foregoing, any person, firm, association or corporation violating any provision of any ordinance of the Town of Riverhead shall be subject to a penalty in a sum not exceeding Two Hundred Fifty and 00/100 (\$250.00) Dollars or incarceration for fifteen days (15) for the first such violation and in a sum of Two Hundred Fifty and 00/100 Dollars or incarceration for fifteen days (15) for any subsequent violation; said penalties to be recoverable in a civil action in the name of the Town of Riverhead as damages.

B. Any violation of this ordinance shall further subject the license or permit holder, upon his conviction, to the immediate revocation of his license or permit notwithstanding any other provisions of this ordinance. The Town Justice shall report said conviction to the Town Board who is hereby directed and empowered to revoke the license or permit of such convicted persons.

RESOLUTIONS - continued:SECTION 39-13 - VALIDITY AND SEPARABILITY

If any section or a part of a section of this ordinance is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section, sections or part of a section of this ordinance.

SECTION 39-14 - EFFECTIVE DATE

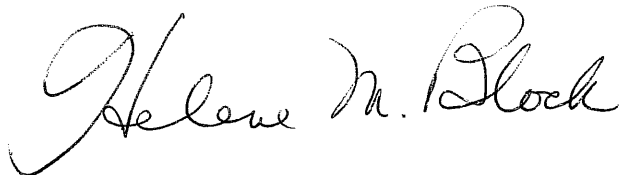
This ordinance shall take effect immediately.

ANY PERSON DESIRING TO BE HEARD ON THE SAID PROPOSED ORDINANCE SHALL APPEAR AT THE TIME AND PLACE ABOVE SPECIFIED.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the Meeting adjourned at 11:40 A.M., to meet on Tuesday, December 16th, 1975, at 7:30 P.M.

A handwritten signature in cursive script that reads "Helene M. Block".

Helene M. Block, Town Clerk

HMB/mhj